

Project No: 6103 – Environmental Services

Project Name: Main Sewage Pump Station Site Improvements Addendum

DRAFT

**AMENDMENT NO. 14 TO AGREEMENT
FOR CONSULTATION AND OTHER SERVICES**

This amendment is entered into this 3rd day of January 2006, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and RBF Consulting (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional environmental services for various City projects on April 23, 1999, and

WHEREAS, the parties desire to further amend the Agreement to allow CONSULTANT to perform additional professional environmental services related to performing environmental studies and environmental review process for the **Main Sewage Pump Station Site Improvements Addendum**,

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the agreement as follows:

1. Section 3, entitled "Scope of Consultant's Duties and Services" is amended by adding Exhibit "A-14, B-14", entitled "Scope of Services" which is attached hereto and incorporated by reference herein.
2. Exhibit B, entitled "Compensation Manner and Amount and Professional Team" is amended to include tasks and compensation as described in Exhibit "A-14, B-14". Exhibit B is further amended by adding the following new sections at the end:

The compensation for consulting services and reimbursable expenses as set forth in Exhibit "A-14, B-14" is a "not to exceed" amount. The total maximum amount of compensation to be paid for tasks outlined in Exhibit "A-14, B-14" shall be four thousand dollars (\$4,000) for all the services.

3. All other provisions of the Agreement shall remain in full force and effect.

This amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

RBF CONSULTING

City Engineer as to content

City Manager

City Attorney as to Form

ATTESTED BY:

City Clerk

EXHIBIT A-14, B-14

SCOPE OF WORK

FOR
ENVIRONMENTAL SERVICES:
Main Sewage Pump Station Site Improvements Addendum
(CIP Project 6103)

The City of Milpitas proposes to demolish the existing pump station and grinder and subsequently construct a new, below grade pump station with the same capacity as the original pump station; construct an approximately 22 foot by 40 foot control building; construct of a new 30 x 60 foot equipment garage; remove trees along the site frontage; and, the install a bioswale along the site frontage.

Main Sewage Pump Station Site Improvements Project Initial Study and Mitigated Negative Declaration (IS/MND) identified potential improvements that were likely to occur in the future (including, the construction of a new pump station on the site, the construction of additional corporation and storage facilities on the northern segment of the site, and onsite circulation improvements), but did not analyze those improvements because there was not enough information at the time to quantify or analyze potential impacts. The IS/MND stated "any future improvements to the site (not contemplated herein) shall require separate and additional environmental review in order to comply with the provisions of CEQA." Therefore, RBF will prepare an Addendum to the IS/MND to provide the additional environmental review for the proposed improvements that were called out in the Draft and Final IS/MND because the proposed improvements are minor technical changes that are not anticipated to result in any new environmental effects or an increase in the severity of previously identified environmental effects. As identified in Section 15164(e) of the CEQA Guidelines, RBF will provide a brief explanation of the decision not to prepare a Subsequent EIR pursuant to Section 15162, as well as an explanation as to why a Categorical Exemption was not pursued.

The general scope of work, estimated fees, and schedule for the CEQA processes are presented on the following pages.

Assumptions

RBF has prepared the following scope of work, schedule, and fee estimate based on the following assumptions:

- RBF assumes that the level of environmental review required for the project will be an Addendum to the previously prepared Initial Study and Mitigated Negative Declaration (IS/MND) for the Main Sewage Pump Station Site Improvements Project. While the proposed improvements would qualify for a Categorical Exemption, RBF believes that an Addendum would be the appropriate document to address the proposed improvements identified in the 30% submittal plans provided to RBF on November 2, 2005 because:
 1. An Addendum would provide the additional environmental review for the proposed improvements that was called out in the Draft and Final IS/MND, while a Categorical Exemption would not.
 2. The proposed improvements are minor technical changes that are not anticipated to result in any new environmental effects or an increase in the severity of previously identified environmental effects.
- In performing its services hereunder, RBF has or will receive information prepared or compiled by others, the accuracy and completeness of which RBF is entitled to rely upon without independent evaluation or verification.

Task Descriptions

Task 1 **Project Kick-Off:** RBF's work program will be initiated with a kick-off meeting/discussion with the City of Milpitas. The purpose of the meeting is to discuss the scope of work (including level of detail for each subtask), the project schedule, and our overall understanding of the project.

Task 2 **Research and Investigation:** As part of the effort necessary to prepare a legally adequate Addendum to the previously prepared Initial Study and Mitigated Negative Declaration (IS/MND) for the Main Sewage Pump Station Site Improvements Project, RBF will evaluate existing documents, reports, and studies related to the proposed project site. Project research will include coordination with the City of Milpitas to acquire relevant files, exhibits, maps, and reference documents.

Assumption: RBF assumes that the City of Milpitas will provide RBF with a complete set of project plans at 30 percent completion.

Task 3 **Prepare Administrative Draft Addendum:** RBF will prepare an Administrative Draft Addendum to the Main Sewage Pump Station Site Improvements Project IS/MND to address the proposed demolition of the existing pump station and grinder; subsequent construction of a new, below grade pump station with the same capacity as the original pump station; the construction of an approximately 22 foot by 40 foot control building; the construction of a new 30 x 60 foot equipment garage; the removal of trees along the site frontage; and, the installation of a bioswale along the site frontage. The Addendum to the IS/MND

will provide a detailed analysis describing potential environmental impacts of the proposed design changes, with particular focus on the following issues:

- Removal of the trees along the site frontage and the potential impacts on nesting birds;
 - The installation of a bioswale along the site frontage and associated changes in drainage patterns;
 - Recent changes in the City of Milpitas C.3 Provisions that require a construction project in the City of Milpitas, which disturbs an area of 10,000 square feet or more to obtain coverage under the General Construction Activity Stormwater Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB); and,
 - The construction of new wastewater and stormwater treatment facilities.

The Administrative Draft Addendum will consist of the following sections:

Introduction

This section will discuss the purpose of the Addendum; cite the environmental review requirements of the proposed design changes, pursuant to CEQA; cite the environmental process required for the Addendum pursuant to Section 15164(c) of the CEQA Guidelines; describe the scope of the Addendum; and, discuss the relationship of the Main Sewage Pump Station Site Improvements Project IS/MND Mitigation Monitoring and Reporting Program to the Addendum.

Proposed Changes to the Approved Project

This section will describe the proposed changes to the approved Project.

Evaluation of Potential Environmental Impacts of the Proposed Changes

This section will use Appendix G of the CEQA Guidelines to address the potential environmental impacts for only those design changes that have the potential to result in environmental impacts. This section will conclude with findings based on the analysis.

Other Sections

RBF will prepare other sections of the Addendum, including the Cover Page, Table of Contents, Authors and Consultants, and References.

Figures

The environmental document will include a maximum of three (3) figures to enhance the written text and clarify the proposed design changes. Figures are anticipated to include: Regional Vicinity Map, Local Vicinity Map, and Site Plan.

Deliverables – Task 3 includes the submittal of two (2) bound copies of the Administrative Draft Addendum and one (1) unbound copy suitable for reproduction to the City of Milpitas for review. Should no new revisions be required RBF will submit three (3) additional bound copies of the Draft Addendum to the City of Milpitas.

- Task 4** **Prepare Draft Addendum:** RBF will prepare the Draft Addendum by incorporating one complete set of comments on the Administrative Draft Addendum from the City of Milpitas.
Deliverables – Task 4 includes the submittal of two (2) bound copies of the Draft Addendum and one (1) unbound copy suitable for reproduction to the City of Milpitas for review. Should no new revisions be required RBF will submit three (3) additional bound copies of the Draft Addendum to the City of Milpitas.
- Task 5** **Revise Draft Addendum:** Should the City of Milpitas have an additional round of comments, requiring revised or supplemental environmental analysis, RBF will revise the Draft Addendum based on one additional complete set of comments received from City staff and or City Council.
Deliverables – Task 5 includes the submittal of five (5) bound copies of the Draft Addendum and one (1) unbound copy suitable for reproduction to the City of Milpitas.
- Task 6** **Coordination of Environmental Review:** Ms. Laura Worthington-Forbes will be responsible for quality assurance/control and CEQA strategic oversight. She will ensure that all commitments made to the City are completed on schedule and within budget as expeditiously as possible.

Estimated Schedule

Task	Week
Project Kick-Off	1
Research and Investigation	1
Preparation of Administrative Draft Addendum	1
City Review of Administrative Draft Addendum	1-2
Prepare Draft Addendum	2-3
City Review of Draft Addendum	3
Revise Draft Addendum	3-4

Fee Estimate

Fee Estimate					
	Billing Rate	Principal	Environmental Planner	TOTAL HOURS	ESTIMATED COST
		\$195	\$94		
TASKS					
1	Project Kick-Off		1	1	\$94
2	Research and Investigation		1	1	\$94
3	Prepare Administrative Draft Addendum	1	20	21	\$2,075
4	Prepare Draft Addendum	1	2	3	\$383
5	Revise Draft Addendum	1	2	3	\$383
6	Coordination of Environmental Review	1		1	\$195
Deliverables and Direct Costs					
	Administrative Draft Addendum 2 bound and 1 unbound copy				\$45
	Draft Addendum 5 bound and 1 unbound copy				\$90
	Miscellaneous Reimbursables (mileage, mailings, copies)				\$75
SUBTOTAL					\$3,434
Contingency Fee					\$566
TOTAL ESTIMATED FEES					\$4,000



RECEIVED
NOV 7 2005
Special Projects Team

November 4, 2005

Mr. Tom Yousch
Capital Improvements Projects
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035-5479

Subject: Proposal for Environmental Services

Dear Mr. Yousch:

RBF Consulting is pleased to submit the attached proposal to provide environmental services for the next Phase of the Main Sewage Pump Station Site Improvements Project.

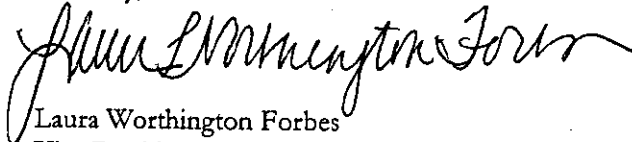
Based on our meeting on November 2, 2005 and RBF's understanding of the proposed Project, RBF believes that the appropriate environmental document would be an Addendum to the Main Sewage Pump Station Site Improvements Project Initial Study and Mitigated Negative Declaration (IS/MND). We agree that the proposed improvements would qualify for a Categorical Exemption (CE). However, the previously adopted and approved IS/MND for the Main Sewage Pump Station Site Improvements Project identified potential improvements that were likely to occur in the future (including, the construction of a new pump station on the site, the construction of additional corporation and storage facilities on the northern segment of the site, and onsite circulation improvements), but did not analyze those improvements because there was not enough information at the time to quantify or analyze potential impacts. The IS/MND stated "any future improvements to the site (not contemplated herein) shall require separate and additional environmental review in order to comply with the provisions of CEQA." As outlined below, we believe that an Addendum would serve to complete the environmental process and would be the appropriate document to address the proposed improvements identified in the 30% submittal plans provided to RBF on November 2, 2005. An Addendum would accomplish the following:

1. Provide the additional environmental review for the proposed improvements that were called out in the Draft and Final IS/MND, while a Categorical Exemption would not.
2. The proposed improvements are minor technical changes that are not anticipated to result in any new environmental effects or an increase in the severity of previously identified environmental effects.
3. As identified in Section 15164(e) of the CEQA Guidelines, RBF will provide a brief explanation of the decision not to prepare a Subsequent EIR pursuant to Section 15162, as well as an explanation as to why a CE was not pursued.

Please review the attached proposal and contact me, or Kara Spencer by phone (408-993-9224) or email (lwforbes@rbf.com or kspencer@rbf.com) if you have any questions or would like additional information.

Mr. Tom Yousch
November 4, 2005
Page 2

Sincerely,



Laura Worthington Forbes
Vice President
Planning and Environmental Services

PLANNING ■ DESIGN ■ CONSTRUCTION

111 W. St. John Street, Suite 850 ■ San Jose, California 95113-1122 ■ 408.993.9224 ■ FAX 408.993.1600
Offices located throughout California, Arizona & Nevada ■ www.RBF.com

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SUBTOTAL				\$3,434
Contingency Fee				\$566
TOTAL ESTIMATED FEES				\$4,000



HOURLY RATE SCHEDULE Effective January 2005

<u>OFFICE PERSONNEL</u>		\$ / Hr.
Senior Principal.....		\$215.00
Principal		195.00
Project Director.....		175.00
Project Manager.....		152.00
Structural Engineer.....		152.00
Electrical Engineer.....		134.00
Senior Engineer/Senior Planner.....		135.00
Landscape Architect.....		123.00
Project Engineer/Project Planner.....		116.00
Environmental Specialist.....		112.00
Corrosion Engineer.....		112.00
Design Engineer/Senior Designer/Mapper.....		108.00
Designer/Planner.....		94.00
GIS Analyst.....		90.00
Graphic Artist.....		80.00
Environmental Analyst/Staff Planner.....		80.00
Design Technician.....		78.00
Assistant Engineer/Planner.....		74.00
Engineering Aid/Planning Aid.....		60.00
<u>FIELD PERSONNEL</u>		
2-Person Survey Crew		\$200.00
1-Person Survey Crew		145.00
Field Supervisor		138.00
<u>CONSTRUCTION MANAGEMENT PERSONNEL</u>		
Construction Manager.....		\$150.00
Resident Engineer/Project Manager.....		127.00
Senior Construction Inspector		98.00
Construction Inspector.....		95.00
Field Office Engineer.....		90.00
Construction Technician.....		78.00
<u>OTHER SERVICES AND FEES</u>		
Permit Processor.....		\$95.00
Clerical/Word Processing.....		55.00
Consultation Relative to Legal Actions.....		270.00
Vehicle Mileage.....		0.50/mile

*Note: Fees will be adjusted (increased) by approximately 5% in January 2006 (Refer to the attached January 2006 Hourly Rate Schedule.).



HOURLY RATE SCHEDULE

Effective January 2006

	Effective 2005 \$ / Hr.	Proposed 2006 \$ / Hr.
OFFICE PERSONNEL		
Senior Principal	\$215.00	\$225.00
Principal	195.00	205.00
Project Director	175.00	184.00
Project Manager	152.00	160.00
Structural Engineer	152.00	160.00
Electrical Engineer	134.00	134.00
Senior Engineer/Senior Planner	135.00	141.00
Landscape Architect	123.00	130.00
Project Engineer/Project Planner	116.00	122.00
Environmental Specialist	112.00	118.00
Corrosion Engineer	112.00	118.00
Design Engineer/Senior Designer/Mapper	108.00	114.00
Designer/Planner	94.00	99.00
GIS Analyst	90.00	95.00
Graphic Artist	80.00	84.00
Environmental Analyst/Staff Planner	80.00	84.00
Design Technician	78.00	82.00
Assistant Engineer/Planner	74.00	78.00
Engineering Aid/Planning Aid	60.00	64.00
FIELD PERSONNEL		
2-Person Survey Crew	\$200.00	\$210.00
1-Person Survey Crew	145.00	153.00
Field Supervisor	138.00	145.00
CONSTRUCTION MANAGEMENT PERSONNEL		
Construction Manager	\$150.00	\$158.00
Resident Engineer/Project Manager	127.00	133.00
Senior Construction Inspector	98.00	103.00
Construction Inspector	95.00	100.00
Field Office Engineer	90.00	95.00
Construction Technician	78.00	82.00
OTHER SERVICES AND FEES		
Permit Processor	\$95.00	\$99.00
Clerical/Word Processing	55.00	55.00
Consultation Relative to Legal Actions	270.00	350.00
Vehicle Mileage	0.50/mile	0.50/mile